

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Gary Lee Todd,)
Plaintiff,) C/A No. 3:12-1389-MBS
vs.)
Michelle Wang, owner of Miyo's,)
Defendant.)

)

O R D E R

Plaintiff Gary Lee Todd, proceeding pro se, filed a complaint on May 24, 2012, alleging that he fell and injured himself while working at Miyo's, a restaurant owned by Defendant Michelle Wang. In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Shiva V. Hodges for pretrial handling.

On May 29, 2012, Plaintiff filed a letter requesting the court "to please send my paperwork back to me because I got a lawyer today." ECF No. 5. On May 31, 2012, the Magistrate Judge issued a Report and Recommendation in which she construed Plaintiff's letter as a request for voluntary dismissal pursuant to Fed. R. Civ. P. 41(a)(2). The Magistrate Judge recommended that the motion to dismiss be granted, and directed Plaintiff to file objections if he did not wish to voluntarily dismiss the case. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court may accept, reject, or modify, in whole or in part, the Report and Recommendation or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need

not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has thoroughly reviewed the record. The court adopts the Report and Recommendation and incorporates it herein by reference. Plaintiff’s complaint is dismissed, without prejudice.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
Chief United States District Judge

Columbia, South Carolina

June 25, 2012.

NOTICE OF RIGHT TO APPEAL

**Plaintiff is hereby notified of the right to appeal this order
pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.**